

TOOELE CITY PLANNING COMMISSION MINUTES
February 27, 2019

Date: Wednesday, February 27, 2019

Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

Commission Members Present:

Tony Graf
Tyson Hamilton
Melanie Hammer
Chris Sloan
Shaunna Bevan
Ray Smart
Phil Montano
Bucky Whitehouse
Matt Robinson

City Employees Present:

Jim Bolser, Community Development Director
Andrew Aagard, City Planner

City Employees Excused:

Roger Baker, City Attorney
Paul Hansen, City Engineer

Council Member:

Council Member McCall
Council Member Gochis

Minutes prepared by Kelly Odermott

Chairman Graf called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Hammer.

2. Roll Call

Tyson Hamilton, Present
Tony Graf, Present
Melanie Hammer, Present
Chris Sloan, Present
Shaunna Bevan, Present
Phil Montano, Present
Matt Robinson, Present

3. Public Hearing and Decision on a Zoning Map Amendment from the R1-7 Residential zoning district to the MDR Medium Density residential zoning district by Derald Anderson for .58 acres located at 350 North 50 West.

Presented by Andrew Aagard

Mr. Aagard stated that the subject project is located just west of 50 West, south of 400 North. The application actually involves two properties for a total of .58 acres. An aerial photo of the properties was shown on the screen. The northern parcel is 10,890 square feet and the southern parcel is 14,451 square feet. The properties are currently zoned R1-7, as are all properties to the north, west, and south. On the east is a property that is zoned General Commercial and utilized with commercial businesses. The applicant is requesting that the property be rezoned to MDR, Medium Density Residential. This zoning will facilitate the building of two duplexes on the properties. A slide was shown on the screen illustrating the differences in zoning between R1-7 and MDR for usage of the property. The main differences between R1-7 and MDR include allowable number of units per acre, square foot lot sizes for duplexes. Setbacks are identical in both zones and both zones allow for duplexes. The properties are located in the City's Infill Geographic Area Overlay. The purpose of the Infill Overlay is to encourage development of existing vacant lots and redevelopment of existing building lots or units. The infill area provides reductions in building setbacks, public improvements, and water rights. The applicant's proposal to build on the property complies with the intent of Infill Area Overlay. In the R1-7 zone the applicant would be able to place one duplex on the property and single-family dwelling on the smaller parcel. With the MDR the applicant can build a duplex on either property. Rezoning the property to MDR the City would permit four units instead of three.

Chairman Graf asked the Commission if they have any comments or questions, there were none.

Chairman Graf opened the public hearing.

Mr. Andrew Warr, Realtor and Property Designer stepped forward for the applicant Derald Anderson. Mr. Warr stated that Mr. Anderson wishes to convey that he is excited for this project. He envisions providing market rate housing that is of a unique and fun design. He feels that having two duplexes as a complex would make it look more cohesive for the area.

Mrs. Stephanie Bothell, Realtor stated she loves the idea of this project. Her big concern with housing prices right now is that they have gone through the roof. She would like her kids to be able to afford a house in Tooele, whether renting or buying. There needs to be more affordable housing that can be utilized as starter homes for new families, firefighters, teachers, and policemen. This would be a great asset.

Chairman Graf closed the public hearing.

Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Anderson 50 West Zoning Map Amendment request by Derald Anderson, representing 495

Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application P19-68, based on the findings listed in the Staff Report and no additional findings to the Staff Report dated February 20, 2019. Commissioner Hamilton seconded the motion.

Mr. Bolser asked the Commission about the findings of fact. Based on the writing of the Staff Report, the Planning Commission must specifically state the findings. The items in the Staff Report are listed as suggested topics for the Commission findings, and the Planning Commission must specifically state the Findings of Fact for a zoning amendment.

Commissioner Sloan asked if he needed to address each of the eleven items in the Staff Report. He did state in his motion that he did not have any issues with the findings. Mr. Bolser stated that there needs to be clarification that the Commission specifically agrees with the items listed in the Staff Report, that those are the findings and there are no additional findings. The Commission has the duty to state specifically what the findings are. Whether listing the finding items 1-11 or stating them as a bulk.

Chairman Graf asked the Commission if there were any issues with the findings listed in the Staff Report or if the Commission had any additional findings of fact. There were not comments.

Commissioner Sloan stated he would go through the eleven items one by one.

1. The effect of the proposed application on the character of the surrounding area. *Negligible*
2. The degree to which the proposed application is consistent with the intent, goals, and objectives of any applicable master plan. *Conforms*
3. The degree with which the proposed application is consistent with the intent, goals, and objectives of the Tooele City General Plan. *Conforms*
4. The degree with which the proposed application is consistent with the requirements and provisions of the Tooele City Code. *Conforms*
5. The suitability of the properties for the uses proposed. *Is in conformance*
6. The degree to which the proposed application will or will not be deleterious to the health, safety, and general welfare of the general public or the residents of the adjacent properties. *No adverse effects*
7. The degree to which the proposed application conforms to the general aesthetics and physical development area. *Believe conforms and improves*
8. Whether a change in the uses allowed for the applicant properties will unduly affect the uses or proposed uses for adjoining and nearby properties. *There will not be an additional effect*
9. The overall community benefit of the proposed amendment. *fits in nicely*
10. Whether or not public services in the area are adequate to support the subject development. *Believe that to be the case*
11. Other findings the Commission deems appropriate to base their decision upon for the proposed application. *No other findings.*

Commissioner Sloan Commissioner Sloan motioned to forward a positive recommendation to the City Council for the Anderson 50 West Zoning Map Amendment request by Derald

Anderson, representing 495 Country Club, LLC to reassign the subject properties to the MDR Medium Density Residential zoning district, application P19-68, based on the findings listed in the Staff Report dated February 20, 2019. Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

4. **Recommendation on a Minor Subdivision application by Andrew Caldwell located at 1762 North Broadway in the HDR High Density Residential zoning district for the purposes of splitting one .55 acre parcel into 3 lots.**

Presented by Andrew Aagard

Mr. Aagard stated the subject property is located on the corner of Copper Canyon Drive and Broadway Ave. It is about .55 acres. A map of the property was shown on the screen. The property is just north of the Copper Canyon Elementary school. Current zoning for the property is HDR, High Density Residential. Single family uses are currently allowed in the HDR zone. All properties surrounding the subject property are HDR as well. The application is subdividing the corner lot into three lots, ranging in size from 7,500 square feet to 8,600 square feet. The lots meet or exceed the development standards in the HDR zone for lot size, widths, and frontages. The corner lot is 10 percent larger to accommodate corner set back requirements. Staff is recommending approval with the basic housekeeping conditions listed in the Staff report. The minor subdivision does comply with the subdivision standards for the zone.

Chairman Graf asked the Commission if there were any questions and comments.

Commissioner Sloan asked if the proposed development matches with the existing homes in the vicinity. Mr. Aagard stated it will.

Commissioner Robison moved to forward a positive recommendation to the City Council for the Caldwell Subdivision Minor Subdivision Request by Andrew Caldwell, for the purpose of subdividing property into 3 single-family residential lots at 1762 N Broadway Avenue, application number P18-798, based on the findings and subject to the conditions listed in the Staff Report dated February 21, 2019. Commissioner Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passed.

5. **Recommendation on a Subdivision Preliminary Plat Amendment application by Howard Schmidt to amend the Providence at Overlake Subdivision, Phase 2 located at approximately 400 West 1200 North in the R1-7 Residential zoning district for the purposes of adjusting the property boundaries of seven lots and a storm water detention basin parcel on 1.74 acres.**

Presented by Jim Bolser

Mr. Bolser stated that this past summer this application came forward for the entirety of the development to be platted and approved for Phase 2 of Providence at Overlake. Following the Planning Commission review and forwarding to City Council; there was discussion between the applicant, Council, and North Tooele Special Service District. The discussions were in regard to improvements for 400 West. There were some negotiations that determined that the applicant would dedicate an additional five feet of right-of-way on 400 West for the purpose of transition of landscape and cross section design with what is already in place to the north and outside of the district and project. The plat was amended at the time. It was not brought to Planning Commission in error. At this time, it is being brought to Planning Commission to complete the process. The plat is to amend the back seven plots and water detention basin to allocate that additional five feet.

Chairman Graf asked the Commission if there were any further comments or questions.

Commissioner Bevan asked if the road will jog. Mr. Bolser stated that the adjustments will be to the park strip and sidewalk and no modifications to the road.

Commissioner Sloan moved to forward a positive recommendation to the City Council for the Providence at Overlake Phase 2 Subdivision Plat Amendment Request by Howard Schmidt, representing H & K Schmidt Investments, application number P18-550, based on the findings and subject to the conditions listed in the Staff Report dated February 21, 2019. Commissioner Hamilton seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye," Commissioner Robinson, "Aye," Commissioner Montano, "Aye," Chairman Graf, "Aye." The motion passes.

6. **Discussion regarding a pending text amendment by Tooele City to the Tooele City Code, Chapters 7-1 General Provision, 7-4 Off Street Parking requirement, 7-11a Design Standards-Multi-Family Residential, 7-13 Zoning Districts, 7-14 Residential Zoning Districts, and 7-16 Zoning District Purpose and Intent – Mixed Use, Commercial, Industrial, and Special Purpose Districts dealing with provisions related to multi-family residential zoning districts, their allowable land uses, and applicable design standards and supplemental regulations.**

Presented by Jim Bolser

Mr. Bolser thanked Commissioner Hamilton and Council Member McCall for their service and time put toward the meetings required to make adjustments to the City Code. In the packet there was a memo to highlight the intents and big areas of change. This project started several years ago and there have been several false starts. Several months ago, through discussions with Administration and Council, it was determined that it needed to be addressed. The purpose behind this was to address several items but the big area of change relates to the existing multi-family zones. The City currently has the MDR, Medium Density Residential and HDR, High Density Residential zones. Each has its own density limits per acre, eight for MDR and 16 for HDR. The idea is that the City is getting more and more housing pressures and the City needs to have more options to provide. One area that has been addressed is offering a third zone to address some of the new product types. Mr. Aagard deals with applicants on a daily

basis that have new and differing ideas that don't fit currently in the City Code but would provide excellent options for residents. Staff has set up a stratification of three zones, changing the MDR to MR-8, Multi-Family Residential, MR-16, Multi-Family Residential, and the new zone is MR-25, which would allow up to 25 units per acre. A number of purposes for these changes besides simply creating a third zone, are to address the feedback from applicants, to really identify a lot of clarification and either combination and separation of provisions. The current Ordinance was written 15 years ago; it has functioned very well, but as it has been used there are things that could be modified to better serve Tooele City residents.

Mr. Bolser stated that he would like the discussion to be a discussion to address concerns and questions related to the changes. One of the things that Staff has struggled with is the gray areas in the code that overlap. An example of this is single family allowances in Multi-family zones and multi-family allowances in single family zones. One of the things proposed in the code change is to stratify this and split them off. If an applicant wants anything above a duplex, the project needs to be in MDR or higher zone. If an applicant wants a single-family residence, the project needs to be in a single-family zone R1-7 or higher. The overlap confuses residents and hopefully the new provisions will help property owners know what to expect as much as possible. Staff also tried to make it as understandable and easy to read as possible. When removing existing text and adding text, with hope that the final product is easy to read for applicants, Council, Planning Commission, and City staff.

Mr. Bolser mentioned that one of the things that was condensed was allowable uses for residential. Currently allowable uses for residential include, single family, duplexes(two family), and three family, four family, and multi-family. Under the Ordinances the three family, four family, and multi-family all play by the same rules, same design standards, and same permissibility in every zone. A suggestion is to combine three family, four family, and multi-family all into multifamily standards.

Mr. Bolser wanted to show the Commission what the impact of these changes will mean to dwellings. He stated it is important to note that with the new MR-25 zone, all densities are caps, up to 8, up to 16, and up to 25 in each of the three zones. Those numbers are not guaranteed, but the current City Design Standards, realistically an applicant could only get to 16 or 20 units. Staff looked at the design standards with landscaping, parking, and building allowable height realized that the applicants could not get 25 units. A change that has been placed in the Design Standards is to allow development up to 45 feet in height to allow for 25 units per acre. There is the possibility of having to sink the first floor, but 25 units would be possible. Mr. Bolser showed pictures and models of two different projects in South Jordan and Draper that would look similar to what the City is expecting with the changes in Design Standards.

Commissioner Hammer asked when increasing the apartment buildings from three levels to four, the parking in the area would be horrible. I can see conceptually how to add another floor, but I get worried about parking. Mr. Bolser stated that part of the burden of project is that the project must provide parking for the units built. Showing the comparisons shows what is possible, but not what is probable. The photos of the projects shown did have the same parking requirements as Tooele City. It is not a guarantee that projects in Tooele City will get 25 units,

but if the projects are designed to meet parking and landscaping standards, then the 25 units per acre will be allowed.

Commissioner Hammer had a question on City Code Section 7-4-5 Parking Lots Number 5b. No charges shall be made for parking on the lot. Mr. Bolser stated that there are revisions into this Chapter that there is a parallel project to redo Chapter 7 in its entirety. That provision is being put in for a specific reason, but the enforceability of the provision will be very difficult. It is something that Staff would like to put in there so if there are problems with parking lot charges, there is something to fall back on. Commissioner Hammer asked if this was an added section or already in the code. Mr. Bolser stated that this is an added section, but he would verify. Mr. Aagard confirmed that it is an added section.

Chairman Graf stated that he noticed, that the numbers are sometimes used, but other times they are written out within the document. Mr. Bolser stated that the code adjustments were written based on a book in his office, The Legislative Drafting Manual. It is the book used by the State for drafting legislation. It has very specific terms in it to write the numbers. The intent was to bring the code into alignment with the proper technique the State has adopted.

Chairman Graf asked about Commissioner Hammer's question, the developments cannot charge for the parking lot, would that be a code violation or a misdemeanor. Mr. Bolser stated it would be a code violation. A misdemeanor would have to be a criminal charge.

Commissioner Hammer asked Commissioner Hamilton if there were other things that were controversial in the discussions for these changes. Commissioner Hamilton stated there wasn't. He wanted to thank the staff for how the code was written because it was written well and he understood it.

Commissioner Sloan asked if there was anything substantive to changes in the Design Standards themselves or is it simply moving things around. Mr. Bolser stated that things were changed to the Design Standards, but most were rearrangements. One specific example is the requirement of number of trees. Right now, the trees are based on the number of units. Looking at other communities, most communities are adapting the number of trees to the length of property instead of number of units. That specific standard is addressed to be linear feet rather than per unit. Current Ordinance states there needs to be x number of shrubs, but the update states there should be so many feet based on the land size. Mr. Bolser did take the current standards and compare to what is proposed. During calculations it looks like the City will get a 2/3rds return on the adjustment. It is still a healthy number of plantings.

Commissioner Sloan asked what the next step is in this process. Mr. Bolser stated that the next step is this same discussion will happen during the Council study session on Wednesday 6th. A public hearing and recommendation will happen in two weeks at Planning Commission Meeting.

Chairman Graf wanted to comment that a lot of work went into this and wanted to thank those involved. Mr. Bolser thanked the work of the committee and Mr. Baker and Mr. Aagard and himself worked in a subcommittee to get the code change to a place worth discussing.

Commissioner Sloan asked the Chairman if it would be appropriate to public comment.

Chairman Graf opened the meeting for public comment.

Ms. Lainey Reigal, Mustard Seed Realty stated that the changes are impressive. She doesn't have actual comment from the community. She did reach out to other realtor friends and asked them for anything that was adverse. She didn't receive any feedback. She thinks it looks good.

Commissioner Smart asked about adding a fourth level to the units at what point does the parking get discussed to ensure parking is adequate. Mr. Bolser stated that during the design phase parking will be discussed. If the developer can't fit the parking for four levels, it will be determined during the design stage.

Mr. Bolser stated that often code gets adopted and then the public complains. One of the goals of this project is to show that comments are not dismissed. The City does catalog and record the comments from the public. During this process some of those comments were addressed.

Commissioner Sloan commented that he has worked on affordable housing issues at the Capital. The argument is Tooele is cheaper. What that doesn't take into account is that many people can't afford to live in the County. It has been very gratifying to tell people that Tooele City is being proactive in this problem. He thanked the work and efforts for this product to allow Council Members and Commissioners to provide input.

Mr. Bolser stated that this will not be the last effort for the City to address affordable housing. One of the factors that needs to be considered is that Tooele is still a commuter Valley. Commuter costs put Tooele County on a more level playing field with Salt Lake County.

Commissioner Montano addressed the other Commissioners. He stated that he appreciates the efforts made to this discussion. He has a piece of property that he wants to put 10 units on, but he is 10 feet short. He will lose revenue because he doesn't have the room for the parking. He asked the Commission to also look at the business standpoint when approving and talking about parking. He agrees there needs to be parking, but there are a lot of things that need to be looked at in affordable housing.

Mr. Bolser stated that it is one thing to write it into code, but it is another thing to put it on the map. That will be one thing needed during the process of approving the code. The Zoning Map will need to be modified to add MR-25. The Commission needs to consider areas that are current MDR and HDR zones and how these zones will be rezoned to MR-8, MR-16, and MR-25. Mr. Bolser reminded the Commission of a property that has been discussed in the past several months off of 100 East. This is an apartment building that is currently zoned as General Commercial even if it is a housing site. Chairman Graf asked about the Commercial zone and if that needs to be owner application to make it a HDR zone. Mr. Bolser stated that the Planning Commission has the ability to recommend to the Council to make zoning they see fit. There is an avenue that a property owner can change zoning, but the Commission and Council can make those changes.

Commissioner Bevan asked about dividing properties or rezoning properties that fall in the current zone standards but need the new zoning. What happens to properties that already zoned MDR or HDR? Mr. Bolser stated those zones would need to have designations or split zones. There are properties that have PUD Overlay and those will stay the same. There are not too many properties that would need to be split out.

Commissioner Hammer asked about density, is the should the Commission consider placing zones near shopping or transportation or are we not looking at that? Mr. Bolser stated that anytime a zoning amendment is addressed the Commission should consider all factors, such as transportation, utility services, access to pedestrian facilities, bus routes, and other areas which may make a difference with allowable zoning. There should be a discussion about the benefit or negative of placing that zoning in that area of the City.

Commissioner Bevan asked should as we look at placing zones should zones be spread around so not all high-density housing is in one place or is putting them all in one place the best idea? Mr. Bolser stated there is an argument to be made to cluster those types of projects, but there is also an argument to be made to spread those out. There are certain areas where topography might be concern for multifamily, but the topography could also be an issue for single family. There is an argument to place all the high density in one area due to the available utility services, but that may also be a detriment. When looking at legislative changes there needs to be a discussion on if this provides for a need, or is this deferential for the community, those are all considerations that should be held universally. It is simply what the Planning Commission and City Council find is best for the community, for the services provided, the terrain, transit, pedestrian facilities, shopping.

Commisioner Montano gave some examples of apartments in Salt Lake City that have very few parking slots and more housing because of the location to public transportation by TRAX. Commissioner Sloan stated that transit determination is more difficult because Tooele does not have lite rail ad limited transit abilities.

Mr. Bolser stated that some considerations may be product type as well. There is a senior housing project going in on 1000 North that won't have as much traffic because of the type of community it will be. Commissioner Bevan asked about the apartments going up on 1st East and what the impact will be on schools. Mr. Bolser stated that the City and Commission does not have the legislative ability to address impact of housing on schools. That is a School Board issue.

Chairman Graf asked if there were any further comments, there were none.

7. Review and Approval of Planning Commission minutes for meeting held February 13, 2019.

Chairman Graf asked the Commission if they had any questions or comments, there were none.

Commissioner Hammer moved to approve minutes from the meeting held on February 13, 2019. Chairman Bevan seconded the motion. The vote as follows: Commissioner Hamilton, "Aye," Commissioner Hammer, "Aye," Commissioner Sloan, "Aye," Commissioner Bevan, "Aye,"

Commissioner Robinson, "Aye," Commissioner Montano "aye," Chairman Graf, "Aye." The motion passed.

8. **Adjourn**

Commissioner Bevan move to adjourn the meeting. The meeting adjourned at 8:10 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Approved this 13th day of March, 2019

Tony Graf, Chairman, Tooele City Planning Commission

